

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

July 26, 2012

5:30 P.M.

MINUTES

Present: Councilors Tim Carpenter (W1), Mark Tiffer (W2), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: Mayor Donald Kasprzak, Councilor George Rabideau (W3)

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on July 19, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Case

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending July 25, 2012 in the amount of \$ 350,716.84 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Carpenter; Seconded by Councilor Jackson

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of July 19 – July 25, 2012
- Report from the Building Inspector's Office from July 16 – July 23, 2012
- Statement of cash receipts from the Library from June 27 – July 10, 2012
- Finance Department Statement of Revenue and Expenditures for the months of June 2012
- Report from the Parking Violations Bureau for June 2012

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 2,004,425.31 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Carpenter
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

Councilor Jackson said it's a large number. About $\frac{3}{4}$ of a million dollars of that is our portion of County taxes that we've collected and another $\frac{3}{4}$ of a million dollars is for Capital projects.

6. PERSONS ADDRESSING COUNCIL:

Michelle Powers from North Country Chamber of Commerce also the Adirondack Coast Visitor's Bureau said I just wanted to speak briefly to you tonight about one of the resolutions that's going to be in front of you for the proposed Whitewater Park downtown. We've have a wonderful opportunity through a waterfront revitalization grant that we've received through the last round of CFA's and I'm hoping that the city will be in favor of really doing a feasibility study to see if this is possible. We've looked at other ones that have been done around the country the economic impact is incredible. If you just think about the kayakers that it would pull in it really adds a unique flavor to downtown. But even for the people who can't participate in that kind of sport being able to walk downtown, being able to see this go on. It's really going to create a buzz and it's something that is worth looking at and that's all were asking you to do.

Councilor Case said do you have any information, pictures etc on the other places in the country.

Michelle Powers said yes I can supply those to you there's some in Boulder, some out west, as well as Atlanta, I believe that they did for the Olympics.

Councilor Case said any in the northeast.

Michelle Powers said not that I know of.

Steve Peters Superintendent of Recreation said there is a study on the Grass River in Potsdam there is one in Watertown. The Black River in Watertown has one as well and the Sacandaga River.

Councilor Case said in the City of Watertown or out?

Steve Peters Superintendent of Recreation said out.

Michelle Powers said but this is such a natural tie in to the destination master plan that most of you are really familiar with. We need to create that product that thing that's going to bring people here to stay. We're great for day trippers we need people to start staying 2 and 3 days 7 days and it's this type of thing that will help us get there.

Councilor Case said do you have any other areas either in the city or outside the city that you could tie that to.

Steve Peters Superintendent of Recreation said Ausable Chasm is actually opened and kayakers can, American Whitewater has opened up access to the bottom of the falls so that experienced whitewater paddlers can get down in there it certainly would be on the stop where somebody could stay for two or three days and go to a few different spots. In addition about 60 miles north the Richelieu River during specific flows is also very good for that as well. It really would lend itself to being in the middle of these areas in the northeast that doesn't exist like it does out west.

Councilor Case said if this goes forward would only experts be able to do this. It will depend on what time of year.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves the adoption of a resolution amending and restating **PROCUREMENT POLICIES AND PROCEDURES FOR THE CITY OF PLATTSBURGH** as set forth in a draft dated 7/16/2012.

By Councilor Tiffer; Seconded by Councilor Jackson

Discussion:

Councilor Jackson said the last draft was actually dated 07/19/12.

Councilor Calnon said the 07/19/12 was an automatic dating by the computer. It was revised on 07/16/12 this is correct.

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign Supplemental Agreement #1 for Contract D025859, PIN 7MS362.30A "Universal Master Municipal Multi-Model (MM #4) agreement; Beekman Street, Durand Street, Lynde Street and Stetson Ave."

By Councilor Tiffer; Seconded by Councilor Case

Discussion: None
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves MLD to write-off unpaid final bills from May 1, 2011 to May 31, 2011 in the total amount of \$3,834.25. The percentage of write-offs for this period is .35%.

By Councilor Case; Seconded by Councilor Jackson
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

D. THE MAYOR HANDS DOWN THE PROVISIONAL APPOINTMENT OF JOSEPH MCMAHON TO THE POSITION OF BUILDING INSPECTOR EFFECTIVE FRIDAY, JULY 27, 2012. THE POSITION IS SET AT RANGE 6, STEP 1 OF THE MANAGERIAL SALARY SCHEDULE WITH THE STANDARD 52 WEEK PROBATIONARY PERIOD.

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

The Council said congratulations to Joe.

Building Inspector Joe McMahon said thank you.

E. RESOLVED: In accordance with the request therefore the Common Council approves the Superintendent of Recreation to apply for a 2011 Local Waterfront Revitalization Program Environmental Protection Fund grant to fund a feasibility study on creating a whitewater park on the Saranac River in downtown Plattsburgh. As a condition of the grant, the city would need to fund the \$11,000 study with the understanding that the city would be reimbursed in full once grant funds were available for disbursement.

By Councilor Tiffer; Seconded by Councilor Case
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from Kevin Farrington City Engineer that Contract # 2012-13 "Hard Cab Tractor" be awarded to Sample's Lawn & Garden for the total amount of \$34,369.
2. Request from SUNY Police Chief Sabo for permission to divert and direct one-way traffic in a westerly direction (as in past school years) on Rugar St between the Myers Building and Sanborn Ave on August 25, 2012 from 7am to 7pm.
3. Request from Amanda Hamilton to hold the St. Jude's Children's Research Hospital Walk on August 11 from 10am-12pm at Penfield Park.
4. Request from Jen Boyer to hold the Race For Stace on May 4, 2013 from 8am-11:30am using the 5k route on US Oval and Terry Gordon Bike Path.
5. Request from Kevin Farrington City Engineer for Change Order #2 to Contract # 2011-16 "Saranac River Trail Multi Use Path, Phase II, SUNY Plattsburgh & Pine Street" in the total amount of \$59,261.48 and that the Mayor be authorized to sign the change order.
6. Request from Bill Treacy Manager MLD to advertise for sealed bids for PMLD BID #2012-7-3 "Rust Removal and Painting US Oval Street Light Posts." Bid opening date: August 28, 2012 at 11:00 am.
7. Request from Bill Treacy Manager MLD for Richard Strack to attend substation Maintenance 1 Training in Valley Forge, PA from September 30 – October 5, 2012 at an estimated cost of \$2,870.

10. NEW BUSINESS:

Councilor Case added:

Request from Joseph McMahon for a leave of absence from his position of Housing Code Inspector effective July 27, 2012 for the duration of his provisional appointment as Building Inspector.

By Councilor Case; Seconded by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson

(All voted in the affirmative)

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer
Roll call: Councilors Carpenter, Tiffer, Calnon, Case, Jackson
(All voted in the affirmative)
MEETING ADJOURNED: 5:42 pm



Donald Kasprzak
Mayor

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7/26/12

Dear Mayor Pro Tem Colman and the Common Council —

The Mayor hands down the Provisional Appointment of Joseph McMahon to the position of Building Inspector effective Friday, July 27TH 2012.

The position is set at Range 6, Step 1 of the Managerial Salary schedule with the standard 52 week probationary period.

Mayor Donald Kasprzak

PROCUREMENT POLICIES AND PROCEDURES

FOR

THE CITY OF PLATTSBURGH

IT IS HEREBY RESOLVED BY, the Common Council of the City of Plattsburgh , County of Clinton, State of New York that to conform with the requirements of General Municipal Law, Section 104-b, Procurement Policies and Procedures, and

IT IS FURTHER RESOLVED, that goods and services which are not required by law to be procured pursuant to competitive bidding must be procured in a manner so as to assure the prudent and economical use of public moneys, in the best interests of the taxpayers, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, extravagance, fraud and corruption. To further these objectives, the Common Council is adopting internal policies and procedures governing all procurement of goods and services which are not required to be procured pursuant to the competitive bidding requirements of General Municipal Law, Section 103 or of any other general, special or local law, as follows:

I. Procedures for determining whether procurement is subject to bidding.

The procedures for determining whether a procurement of goods and services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

A. Procedure: All procurement must be examined and categorized as follows:

1. GML Section 104-b Non-competitive Bidding:

a). Purchase under \$20,000.00. ¹

b). Contract for public work below \$35,000.00.²

c). Articles manufactured in a New York State correctional facility (Corrections Law Section 184, 186).

¹ increased under state law to \$20,000 effective June 22, 2010

² increased under state law to \$35,000 effective November 12, 2009

- d). Purchases from agencies for the blind or severely handicapped (State Finance Law Section 175-b).
- e). Purchases under a County contract (GML Section 103(3)).
- f). Purchases under a State contract (GML Section 104).
- g). Emergency purchases (GML Section 103(4)).
- h). Sole source purchases (GML Section 104-b).
- i). Professional Services (GML Section 104-b).
- j). True leases (GML Section 104-b).
- k). Insurance (GML Section 104-b).
- l). Second-hand equipment from another government (GML Section 103(6)).

2. GML Section 104-b - Competitive Bidding:

- a). Purchase contract of \$20,000.00 or more.
- b). Contracts for public work of \$35,000.00 or more.

3. Other Analysis:

a). Purchases should be evaluated to determine whether, over the course of the fiscal year, the City of Plattsburgh will spend in excess of the competitive bidding thresholds for the same or similar items or services. Prior year's budgetary appropriations should be referred to for this information and compared with current projections.

4. For all items determined not to be subject to competitive bidding for reasons other than dollar amount, a written notation of the facts justifying the particular category of exception must be made.

5. If full compliance with these documentation requirements is not practical, a note of explanation shall be made and placed with the purchase records.

C. Statutory Exceptions from These Policies and Procedures:

Except for procurement made pursuant to General Municipal Law, Section 103(3) (through county contracts), or GML section 104 (through state contract), State Finance Law, Section 175-b (from agencies for the blind or severely handicapped), Correction Law, Section 186 (articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or

quotations for goods and services shall be secured by use of written requests for proposals, written quotations, verbal quotations or any other method or procurement which furthers the purposes of General Municipal Law, Section 104-b.

1. City of Plattsburgh Purchases under County and State Contracts

- A. When there is only one provider of an item of equipment, material, product or service competitive pricing is not required.
- B. When there is more than one provider of the same (or functionally equivalent) item of equipment, material, product or service, the prices offered by all vendors shall be compared and the purchase made from the one offering the lowest price, taking transportation or shipping costs into consideration.
- C. When an item is available for purchase on the GSA Schedule Contracts, also known as Federal Supply Schedules, and at a price that is lower than the state contract price, or if the item is not listed on the state contract and the price is less than \$20,000 dollars, the item may be purchased on the GSA Schedule Contracts.
- D. CONSTRUCTION EQUIPMENT AND LABOR RENTAL. In 2012 Clinton County has contracts for the rental of construction equipment and labor which the City of Plattsburgh is permitted to piggyback on. The following guidelines apply to the use of such contracts:
 - a. All construction projects where the City Engineer's estimate of the total project cost is more than \$100,000 shall be competitively bid.
 - b. Where the estimated cost is less than 100k, equipment and labor may be rented under County Contract, provided:
 - i. The Engineer determines he has sufficient staff resources to monitor time and material expended on the job.
 - ii. The scope of work is specified in sufficient detail to permit a contractor to quote a lump sum price if requested to do so.
 - iii. All the labor and equipment used by the contractor performing the work is listed on the county contract.
 - iv. Before letting the work, the City Engineer shall prepare an estimate of project cost which includes quantity time estimates for labor and equipment.
 - v. When there is more than one contractor who has the labor and equipment to perform the work, the cost from each contractor shall be estimated by the Engineer using the engineer's time quantity estimates. This estimate shall be kept confidential until the work is awarded.
 - vi. For work with an estimated cost of less than 50k, the work may be awarded to the contractor with the lowest estimated cost based upon the engineer's cost

estimate, however, before the work is awarded, the contractor shall provide an estimate of time charges for labor and equipment.

- vii. For work with an estimated cost of more than 50k, the engineer shall request labor and equipment time budgets from each qualified contractor and compare all estimates before deciding whether to award the work.
- viii. In deciding whether to award the work under county contract, or competitively bid the work, the engineer may consider the accuracy of previous contractor time and cost estimates under county contract jobs, including county contract work for the county and other municipalities.

II. Methods of Competition to be used for Non-Bid Procurement:

The methods of procurement to be used are as follows:

Purchase Contracts for Goods Costing Less than \$20,000	
ESTIMATED COST	WRITTEN QUOTES
\$0 to \$6,000	2
\$6,001 - \$19,999	3
Public Works Contracts Costing Less than \$35,000	
\$0 - \$15,000	2
\$15,001 - \$34,999	3

Notes to Table

(a) The head of the Purchasing Department may approve purchases of Goods costing less than \$1,000 without Mayoral approval. All other purchases require prior Department Head and Mayoral approval. When the Mayor is unavailable, the Mayor Pro Tem or the City Councilor who is liaison to the purchasing department may approve the purchase.

(b) If the suggested number of written quotes cannot be obtained, this fact should be noted on the purchase order.

(c) Written quotes should be kept in the purchasing department's file.

(d) The requirement for written price quotes for the purchase of goods may be satisfied by copying the internet page where goods are offered for sale, or from internet price comparison web sites that report prices from more than one vendor. If a vendor who sells goods over the internet is rated by customers, a relatively low customer rating may be used as a basis for purchasing goods from a vendor other than one who offers the lowest price.

IV. Awards to Other Than Lowest Responsible Dollar Offeror:

Whenever any contract is awarded to other than the lowest responsible dollar Offeror, the reasons such an award furthers the purpose of General Municipal Law, Section 104-b above shall be explained by the purchasing department head in writing and attached to the purchase order.

V. Items Excepted From Policies and Procedures by Common Council :

A. There may be circumstances where the solicitation of alternative proposals or quotations, or accepting the lowest price or offer, will not be in the best interest of the City. These circumstances might include:

1. Emergencies where time is a crucial factor.

2. Procurement for which there is not viable competition (sole source items).

3. Procurement of professional services. Professional services or services requiring special or technical skill, training, expertise or familiarity with the policies, procedures, past practices and operational decisions of the City. The individual, company or firm must be chosen based on accountability, reliability, responsibility, skill, conflict of interests, reputation, education and training, judgment, integrity, continuity of service and moral worth. Furthermore, certain professional services to be provided to the City, e.g., legal and accounting services, impact liability issues of the City and its directors, including securities liability in circumstances where the City is issuing bonds. These qualifications and the concerns of the City regarding its liability and the liability of its officers are not necessarily found or addressed in the individual, company or firm that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category, the City shall take into consideration the following guidelines: (a) whether the services are subject to state licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and the officers of the City. Professional or technical services shall include but not be limited to the following: services of an attorney (including bond counsel); services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work;

management of City-owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

Banking and insurance services shall be procured by RFP submitted to not less than three providers.

VI. Input from Officers:

Comments concerning the policies and procedures shall be solicited from city officers involved in the procurement process prior to the enactment of the policies and procedures, and will be encouraged at all times hereafter.

VII. Supersedes Prior Policy; Effective Date. This policy restatement supersedes all previous policies concerning the purchase of goods and services. It is effective on the date it is adopted by Common Council resolution with respect to purchases made after that date.

VIII. Annual Review.

The Common Council shall annually review these policies and procedures. The Mayor shall be responsible for conducting an annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy. It is contemplated that the annual review will be made during annual budget preparation, or such other time as the Mayor may designate.

VIII. Unintentional Failure to Comply:

The unintentional failure to fully comply with the provisions of this General Municipal Law, Section 104-b shall not be grounds to void action taken, or give rise to a cause of action against the City of Plattsburgh or any officer or employee thereof.

IT IS HEREBY RESOLVED, that the foregoing **PROCUREMENT POLICIES AND PROCEDURES** shall become effective on July 26, 2012.

The foregoing **PROCUREMENT POLICIES AND PROCEDURES** were adopted by resolution of the Common Council at a regular meeting of the Common Council held on July 26, 2012.